

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**PURCELLE HARRIS, United States ex rel,  
Petitioner,**

v.

**JOHN DELANEY, Warden, and THE  
DISTRICT ATTORNEY OF  
PHILADELPHIA COUNTY,  
Respondents.**

**CIVIL ACTION**

**NO. 12-5874**

**O R D E R**

**AND NOW**, this 7th day of March, 2013, upon consideration of the *pro se* petitioner's Application for Writ of Habeas Corpus ad Subjiciendum under 28 U.S.C. § 2241(a) filed by Purcelle Harris (Document No. 1, filed October 15, 2012), the Response to Petition for Writ of Habeas Corpus filed by defendants (Document No. 10, filed January 4, 2013), and the record in this case, and the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter dated January 8, 2013, the Court noting that petitioner did not file objections to the Report and Recommendations notwithstanding the granting of his Motion for Extension of Time to File Objections, and the granting of an extension of the time for filing the objections to February 6, 2013, as requested in the Motion, and good cause appearing, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Thomas J. Rueter dated January 8, 2013, is **APPROVED** and **ADOPTED**;
2. *Pro se* petitioner's Application for Writ of Habeas Corpus ad Subjiciendum under 28 U.S.C. § 2241(a) is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state remedies; and,
3. A certificate of appealability will not issue because reasonable jurists would not

debate this Court's procedural ruling as required under 28 U.S.C. § 2253(c)(2). See Slack v. McDaniel, 529 U.S. 473, 484 (2000).

**BY THE COURT:**

  
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DUBOIS, JAN E., J.